

Atty. Docket No.: BP 2858

10/673,876

REMARKS

Applicants appreciate the time taken by the Examiner to review Applicants' present application. This application has been carefully reviewed in light of the Official Action mailed July 26, 2007 and Advisory Action mailed September 4, 2007. Applicants respectfully request reconsideration and favorable action in this case.

CLAIM REJECTIONS - 35 USC § 112

Claims 33 – 47 stand rejected under 35 U.S.C. 112 (second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.. The examiner states:

Consider **claim 33**, it is unclear on lines 15-17, where the limitations disclosed state, "handing the wireless device from the second extravehicular wireless network to the intra-vehicular wireless network", i.e., handoff or handover has taken place, but it is unclear according to the following limitation "the parallel communication pathways" that whether the pathways are established during and/or remain established after the handoff. Even in light of the applicant's specifications, it is unclear. The specification discloses in [0009] that parallel communication is established and handoff criteria govern seamlessly switching communications between WLANs in order to avoid any lost or dropped communication. It is only disclosed that the communication "switches", while in parallel communication, from one WLAN to another WLAN, but not necessarily communication is dropped or sustained after handoff. Further references to the parallel pathways and handoff do not clarify the claimed limitation. Appropriate corrections are required.

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Applicant submits that Claim 33 was previously amended to clearly state that the first communication path is terminated following a favorable handoff as recommended by the examiner in the action dated July 26, 2007. In the advisory action, the examiner states that terminating the first communication path after a favorable handoff presents new issues and requires further search and examination. As such, the applicant is canceling Claims 33-47 from this application and will refile Claims 33-47 in a related application.

The Applicant hereby rescinds any disclaimer of claim scope made in the instant application or any predecessor application in relation to the related application to be filed. The Examiner is advised that any such disclaimer and the prior art that it was made to avoid, may need to be revisited. Further, the claims in the related application may be broader than those of a parent application. Moreover, the Examiner should also be advised that any disclaimer made in the instant application should not be read into or against the parent application or any related application.

As such, Applicant respectfully requests the Examiner withdraw the rejections and allow Claims 33-47.

#### CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 1-32.

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The Commissioner is hereby authorized to charge any fees or credit any overpayments to  
Deposit Account No.50-2126 of Garlick, Harrison and Markison.

Respectfully submitted,



By: \_\_\_\_\_

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Dated: October 22, 2007

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